

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ISO-00 ARA-14 EA-12 EUR-12 NEA-10

CIAE-00 DODE-00 PM-05 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 TRSE-00

CPR-01 SCA-01 SY-05 USSS-00 /137 W

-----008916 010738Z /17

R 312342Z AUG 77

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 5119

INFO AMEMBASSY LILONGWE

UNCLAS USUN 2818

E.O. 11652: N/A

TAGS: PORG, MI

SUBJECT: COMPLAINT BY MALAWI MISSION OVER TREATMENT OF MALAWI
DIPLOMAT BY US CUSTOMS OFFICERS

1. WE HAVE RECEIVED OFFICIAL NOTE FROM MALAWI MISSION
COMPLAINING THAT ON AUG 24 WHILE DELIVERING A CAR FOR SHIPMENT
TO MALAWI, SECOND SECRETARY L.S. CHITSAMBA AND DRIVER
N.B. VIRAY WERE SEARCHED BY US CUSTOMS OFFICERS, NOT-
WITHSTANDING FACT THAT CHITSAMBA INDICATED THAT HE WAS A DIPLOMAT
WITH MALAWI MISSION. TEXT OF LETTER OF COMPLAINT IS AS FOLLOWS
QUOTE

THE PERMANENT MISSION OF THE REPUBLIC OF MALAWI TO THE
UNITED NATIONS PRESENTS IT COMPLIMENTS TO THE PERMANENT
MISSION OF THE UNITED STATES TO THE UNITED NATIONS AND HAS
THE HONOUR TO REPORT THE FOLLOWING INCIDENT:

SECOND SECRETARY (INFORMATION), MR. LEMSON S. CHITSAMBA
AND CHAUFFEUR MR. NICOMEDES B. VIRAY WENT TO DELIVER CAR
NO. 915 DPL TO MOORE MCCORMACK PIERS OFF 23RD STREET,
BROOKLYN, N.Y., FOR SHIPMENT TO MALAWI ON AUGUST 24, 1977.
AS MR. CHITSAMBA AND DRIVER VIRAY WERE LEAVING THE PIERS
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SOON AFTER HAVING DELIVERED THE CAR TO THE PIERS AUTHORITIES,
THEY WERE STOPPED BY THREE U.S. CUSTOM OFFICERS IN A CAR
AT 11.20 A.M. THE THREE U.S. CUSTOM OFFICERS WORE DARK NAVY
BLUE UNIFORMS.

THE LEADERS OF THE THREE OFFICERS DEMANDED IDENTIFICATION
CARDS WHEREBY THEY WERE SHOWN IDENTIFICATION CARDS (US)

17408 AND (UN) 1-1732 FOR MR. CHITSAMBA, AND (US) 1356 AND (UN) 129 FOR DRIVER VIRAY. DISPUTE THESE IDENTIFICATION CARDS THE LEADER OF THE CUSTOM OFFICERS INSISTED THAT MR. CHITSAMBA AND DRIVER VIRAY SHOULD BE SEARCHED. HE CLAIMED THAT HE HAD INSTRUCTIONS TO SEARCH ANYONE EXCEPT AMBASSADORS, MINISTERS, COUNCELLORS, AND FIRST SECRETARIES. SECOND SECRETARY AND BELOW WERE SUBJECT TO A SEARCH ACCORDING TO HIS INSTRUCTIONS. THE LEADER GAVE MR. CHITSAMBA HIS OFFICIAL IDENTIFICATION NUMBER AS 527. THIS WAS INDEED ONE OF THE TWO NUMBERS ON THE BADGE HE WORE ON HIS LEFT BREAST.

AFTER ONE OF THE OTHER TWO CUSTOM OFFICERS HAD SEARCHED THE CONTENTS OF A WHITE THIN PLASTIC BAG WHICH DRIVER VIRAY HAD CARRIED ON BEHALF OF MR. CHITSAMBA. THE SEARCH WAS DISCONTINUED AFTER THE CUSTOM OFFICERS SAW THAT THERE WAS NOTHING IN THE BAG EXCEPT SOME DOCUMENTS AND LETTERS. THE LEADER WENT ON TO SAY THAT MR. CHITSAMBA AND DRIVER VIRAY WERE NOT COVERED BY DIPLOMATIC PRIVILEGES AND IMMUNITIES ACCORDING TO HIS INSTRUCTIONS. HE SAID HE HAD TO CARRY OUT THE SEARCH BECAUSE AT THE AIRPORT (HE DID NOT NAME IT) MANY PEOPLE WITH DIPLOMATIC IDENTIFICATION CARDS HAD SMUGGLED A LOT OF MARIJUANA INTO THE COUNTRY. HE THEN AGAIN DEMANDED THE IDENTIFICATION CARDS, THE PARTICULARS OF WHICH WERE WRITTEN DOWN ON A OFFICIAL DOCUMENT. THE WHOLE INCIDENT TOOK ABOUT TEN MINUTES.

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THE PERMANENT MISSION OF THE REPUBLIC OF MALAWI WISHES TO EXPRESS ITS STRONG DISPLEASURE WITH THE TREATMENT THE THREE US CUSTOMS OFFICERS ACCORDED TO MR. CHITSAMBA AND DRIVER VIRAY, AND WOULD BE GRATEFUL TO BE ADVISED THAT THE US LAW OF DIPLOMATIC PRIVILEGES AND IMMUNITIES DOES NOT COVER ANYONE BELOW THE RANK OF FIRST SECRETARY.

THE PERMANENT MISSION OF THE REPUBLIC OF MALAWI TO THE UNITED NATIONS AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE PERMANENT MISSION OF THE UNITED STATES TO THE UNITED NATIONS THE ASSURANCES OF ITS HIGHEST CONSIDERATION.
UNQUOTE

2. WE HAVE REQUESTED A REPORT ON INCIDENT FROM THOMAS MAHER, AREA DIRECTOR, NEW YORK SEAPORT, US CUSTOMS SERVICE.
LEONARD

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PROTESTS, CUSTOMS ADMINISTRATION
Control Number: n/a
Copy: SINGLE
Sent Date: 31-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977USUNN02818
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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ISecure: 1
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Review Date: 10-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1393772
Secure: OPEN
Status: NATIVE
Subject: COMPLAINT BY MALAWI MISSION OVER TREATMENT OF MALAWI DIPLOMAT BY US CUSTOMS OFFICERS
TAGS: PORG, PDIP, MI, UN
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/fe4efb4d-c288-dd11-92da-001cc4696bcc
Review Markings:
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